

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

MARCUS L. HARRISON,

No. C 07-959 SI (pr)

Plaintiff,

ORDER

v.

OFFICER J. SAMPLE,

Defendant.

Plaintiff's request for a certificate of appealability is DENIED as unnecessary. (Docket # 42.) Certificates of appealability are only required for habeas actions, which this civil rights action is not.

Plaintiff's motion for appointment of counsel is DENIED because judgment has already been entered against him. (Docket # 43.) This denial is without prejudice to him filing such a motion in the U.S. Court of Appeals for the Ninth Circuit. All further motions should be filed in the Ninth Circuit.

IT IS SO ORDERED.

Dated: October 1, 2008



SUSAN ILLSTON
United States District Judge